

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

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**DOCKET****08-AFC-8**

July 3, 2009

Rod Jones, Project Manager
1516 9th Street, MS-15
Sacramento, CA 95814

DATE July 03 2009RECD. July 16 2009

Dear Mr. Jones,

In response to the June 17 letter submitted to interested agencies, I am writing to inform you of the Cal/OSHA requirements that might apply to the proposed project. Please see enclosed Title 8 regulations pertinent to excavations deeper than 5 feet and construction of structures in excess of 36 feet in height. Should any of these activities take place in the course of your project, we ask that you inform all affected contractors, and the Project Administrator (as defined in attached) of the requirements to secure a Cal/OSHA permit.

We appreciate your courtesy of extending the June 17 communication to our office, and the opportunity to plan ahead alongside the other interested parties.

Sincerely,

A handwritten signature in black ink, appearing to read "Andreea Minea".

Andreea Minea
District Manager



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Chapter 3.2. California Occupational Safety and Health Regulations (CAL/OSHA)

Subchapter 2. Regulations of the Division of Occupational Safety and Health

Article 2. Permits--Excavations, Trenches, Construction and Demolition and the Underground Use of Diesel Engines in Work in Mines and Tunnels

New query

§341. Permit Requirements.

(a) Scope and Application.

(1) This article specifies:

(A) Work activities that require permits;

(B) What permit holders must do to comply with permit requirements;

(C) What types of permits can be obtained; and

(D) How to apply for a permit.

(2) The purpose of a permit is to provide notice to the Division that an employer will undertake permit-required activity and to allow the Division an effective means of ensuring that the proposed permit-required activity will be performed safely.

(3) There are two types of permits: Project Permits and Annual Permits. Both types are defined below in subsection (b) and explained in subsections (c), (d), and (e).

(4) The Permit application process is explained in section 341.1.

(b) Definitions. The following definitions apply to this article:

(1) "Annual permit" means a permit issued pursuant to section 341.1(a)(2) that allows a qualifying employer to conduct specified permit-required activity at any jobsite for a period of one year.

(2) "Climbing a fixed tower crane" means altering the height of the revolving section of the crane by adding or removing tower sections with the use of a climbing frame.

(3) "Conduct permit-required activity" means either:

(A) Engage in permit-required activity by having employees who actually perform the activity; or

(B) Act in the role of a project administrator at a site where permit-required activity is taking place, regardless of whether this role involves having employees who actually perform the activity. Note: See definition of "permit required activity" below.

(4) "Emergency repair work to underground facilities" means the unscheduled repair or replacement of pipes or other underground structures for the purposes of protecting life or property.

(5) "Height" when used to describe a structure means the distance from the top of the structure, including any parapet walls, mechanical rooms or other penthouse structures, to the lowest point of the surrounding grade or ground level below. Mechanical screens, antennas, chimneys, flag poles, and similar attachments are not to be considered in determining the height of a structure.

(6) "Hold a project permit" or "Hold an annual permit" means to have a valid applicable permit which was obtained prior to the start of work. In the case of underground use of a diesel engine in a mine or tunnel the permit shall be obtained prior to placing the engine in the mine or tunnel.

(7) "Permit-required activity" means activity for which a permit is required by this Article. Note: See section 341(d) below for a description of these activities.

(8) "Project Administrator" means a person or entity that has overall onsite responsibility for the planning, quality, management, or completion of a project involving the erection or demolition of a structure. Examples of Project Administrators include, without limitation, general contractors, prime contractors, owner/builders, joint ventures, and construction managers.

(9) "Project permit" means a permit issued pursuant to section 341.1(a)(1) that authorizes an employer to

conduct permit-required activity at the specific location(s) named in the permit.

(10) "Structure" means any creation by human activity of a piece of work, formation, or series of parts joined together, including but not necessarily limited to the following:

Billboards.

Bridges.

Buildings.

Chimneys.

Dams.

Elevated highways.

Falsework.

Outdoor signs.

Powerhouses.

Scaffolding.

Silos.

Smokestacks.

Tanks or tank towers.

Transmission or communication towers.

(c) Basic permit requirement.

(1) Project Permits.

(A) Work on permit-required activities on a project subject to Project Permit requirements shall not begin until a Project Permit has been issued for the project.

(B) Only one Project Permit is required per project as long as the Project Permit holder continues to act in the role of Project Administrator, even though the project may have more than one employer fitting the description of a Project Administrator. If the holder of the current Project Permit no longer continues to act in the role of Project Administrator, that Project Permit is no longer valid, and no project work shall continue until a new Project Permit has been issued. Note: See Sections 341.1(f) and 341.1(g) of this article for additional details regarding the scope of coverage of a Project Permit.

(2) Annual Permits.

(A) Any employer other than a Project Permit holder who conducts permit-required activity shall hold a current Annual Permit before engaging in the activity.

(B) An employer who conducts activity subject to Annual Permit requirements shall obtain an Annual Permit once per year and shall notify the Division each time the permit holder begins permit-required activity at a new site.

(d) Work Activities Subject to Permit Requirements and the Types of Permits Required to Conduct the Activities.

(1) To erect, raise or lower, or dismantle a fixed tower crane, the fixed tower crane erector, climber, or dismantler shall hold a Project Permit. NoteNo.1: See Section 341.1 of this article for additional details on Project Permit requirements for fixed tower cranes. NoteNo.2: See Sections 344.70 et seq. of Title 8 of the California Code of Regulations for additional requirements applicable to permits to operate a fixed tower crane.

(2) To engage in the underground use of a diesel engine in any mine or tunnel, each employer or entity who is to operate the diesel engine shall hold a Project Permit. The permit shall be obtained prior to placing the engine in the mine or tunnel.

(3) To conduct the demolition or dismantling of any building or structure more than 36 feet in height, the Project Administrator shall hold a Project Permit and all other employers directly engaging in demolition or dismantling activity shall hold an Annual Permit.

(4) To conduct any of the following activities on a structure intended to be more than 36 feet high when completed, the Project Administrator shall hold a Project Permit and all other employers directly engaging in these activities shall hold an Annual Permit:

(A) Erection and placement of structural steel or erection and placement of structural members made of materials other than steel. Note:No permit is required for work limited to the erection or placement of reinforcing bars used in reinforced concrete construction.

(B) Installation of metal decking or decking made of substitute materials.

(C) Installation of curtain walls, precast panels, or fascia.

(D) Forming or placement of concrete structures or concrete decks on steel structures.

(E) Installation of structural framing, including roof framing, or the installation of panelized roof systems. Note:No permit is required for work limited to the installation of interior partitions.

(5) To conduct the following activities, the employer shall hold an Annual or a Project Permit, and may apply for either:

(A) Construction of trenches or excavations 5 feet or deeper into which any person is required to descend. Note:For purposes of this subsection, "descend" means to enter any part of the trench or excavation once the excavation has attained a depth of 5 feet or more.

(B) Erection and placement of scaffolding, vertical shoring, or falsework intended to be more than 36 feet high when completed.

(e) Exceptions to Permit Requirements. The provisions of this section shall not apply to the following:

(1) Government Bodies - United States of America, its officers or agencies, State of California, county, city and county, city, or district.

(2) Any public utility subject to the jurisdiction of the Public Utilities Commission.

(3) Construction of trenches or excavations for the purpose of performing emergency repair work to underground facilities.

(4) Construction or final use of excavations or trenches where the construction or final use does not require a person to descend into the excavation or trench.

(5) Excavation for the construction of graves as defined in Section 7014 of the Health and Safety Code.

(6) Excavation for the construction of swimming pools. Note: The construction of motion picture, television, or theater stages and sets does not require a permit unless the conditions specified in Section 6500(b) of the California Labor Code have occurred. For purposes of this requirement, stages and sets include, without limitation, scenery, props, backdrops, flats, greenbeds, and grids.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority and reference cited: Sections 60.5, 6308 and 6501, Labor Code. Reference: Sections 6500, 6501 and 6508, Labor Code.

HISTORY

1. New Article 2 (Sections 341-341.5) filed 8-1-74 as an emergency; effective upon filing (Register 74, No. 31).
2. Certificate of Compliance filed 10-25-74 (Register 74, No. 43).
3. Amendment filed 7-9-80; effective thirtieth day thereafter (Register 80, No. 28).
4. Amendment of subsection (a) filed 12-5-84; effective thirtieth day thereafter (Register 84, No. 49).
5. Amendment of subsection (a) filed 12-5-85; effective thirtieth day thereafter (Register 85, No. 49).
6. New subsection (a)(4) filed 3-18-91; operative 3-18-91 (Register 91, No. 15).
7. Repealer and new section filed 9-29-2006; operative 10-29-2006 (Register 2006, No. 39).

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Chapter 3.2. California Occupational Safety and Health Regulations (CAL/OSHA)

Subchapter 2. Regulations of the Division of Occupational Safety and Health

Article 2. Permits--Excavations, Trenches, Construction and Demolition and the Underground Use of Diesel Engines in Work in Mines and Tunnels

New query

§341.1. Issuance of Permits.

(a) Where to Submit Permit Applications.

(1) Project Permits. A Project Permit application shall be submitted to the Division district office that has jurisdiction over the site of the project to be covered by the Project Permit.

(2) Annual Permits. An Annual Permit application shall be submitted to the Division district office where the employer's California headquarters is located. If the employer has no California headquarters, the application shall be submitted to the Division's headquarters. Note: Project and Annual Permit application forms are available at all Division offices. Generally, the addresses and telephone numbers of Division district offices may be found on the Cal/OSHA Notice poster required pursuant to Section 340 of Title 8 of the California Code of Regulations.

(3) Permits for Use of Diesel Engines in Mines and Tunnels. Permit applications for the use of diesel engines in mines and tunnels shall be submitted to the nearest office of the Division's Mining and Tunneling Unit. Note: Permit application forms for the underground use of diesel engines are available at all offices of the Division's Mining and Tunneling Unit.

(b) General Requirements for Permit Applications.

(1) All Permit applications shall include the following:

(A) The applicant's business name, business address, telephone number, fax number and, if applicable,

the applicant's email address.

(B) The name of the applicant's representative; and that representative's contact telephone number(s).

(C) A valid and applicable license number issued by the California Contractors State License Board, if applicable.

(D) An attached copy of a current policy, binder or other proof of workers' compensation insurance, if applicable.

(E) An attached check or money order for the permit fee as provided in section 341.3 of this article.

(F) A certification from the applicant's representative that he or she has knowledge of the applicable occupational safety and health standards and will comply with such standards and any other lawful orders of the Division.

(G) A description of the conditions, practices, means, methods, operations or processes used or proposed to be used by the applicant to provide a safe and healthful place of employment. Note: No cash or credit card payments will be accepted by the Division.

(2) In addition, an application for a project permit shall include the following information:

(A) A jobsite telephone number.

(B) The specific jobsite location(s), including street address(es) or cross streets.

(C) The anticipated start date and date of completion.

(D) The permit-required activity to be covered by the permit and a description of the activity for which the permit is sought in sufficient detail to allow an effective evaluation of the safety of the proposed project.

(c) Additional application Requirements for Permits for Underground Use of Diesel Engines in Mines and Tunnels and Permits for Fixed Tower Cranes.

(1) Permits for Underground Use of Diesel Engines in Mines and Tunnels. A permit application for the underground use of diesel engines in mines and tunnels, in addition to the information set forth in this section, shall provide the following:

- (A) Complete details and specifications of each diesel engine and exhaust purifying device.
- (B) Location of the mine or tunnel and details of how the diesel equipment is to be used.
- (C) Length, cross-section, and layout of the underground haulage ways.
- (D) Maximum number and brake horsepower of diesels to be operated in any aircourse.
- (E) Ventilation plans, including direction of airflow, fan capacity, duct sizes, and auxiliary ventilation.
- (F) Date when proposed diesel use is to begin and dates and locations where a representative of the Division may conduct tests of the diesel exhaust gases and mechanical conditions affecting exhaust gas emission.

(2) Permits for Erecting, Climbing, and Dismantling of Fixed Tower Cranes.

Each application for a permit to erect, climb, or dismantle a fixed tower crane shall, in addition to providing the information required by this article, certify that:

- (A) A Division-licensed tower crane certifier or surveyor or safety representative for the distributor or manufacturer of the fixed tower crane will be present during erection, climbing, and dismantling operations to assure that such processes and operations are performed in accordance with manufacturer recommendations and applicable standards or orders; and Note: See Sections 344.70 et seq. of Title 8 of the California Code of Regulations for additional requirements applicable for permits to operate a fixed tower crane.
- (B) The applicant will notify the Division of the following dates and times:
 - (i) Initial erection at this site;
 - (ii) Completion of erection and commencement of operation;
 - (iii) Climbing of the tower crane; and
 - (iv) Dismantling of the tower crane. Note: The notification must be received by the Division at least 24 hours prior to the activity which is the subject of the notification and may be in writing or by telephone

followed by written notification. The notification shall be made to the district office of the Division from which the permit was obtained and must include the date and time of the intended activity.

(d) Safety Conference for Project Permits and Annual Permits.

(1) The Division may conduct any investigation and/or hearing it deems necessary for the purpose of this article, and may require a safety conference to discuss the permit applicant's safety program and the means, methods, devices, processes, practices, conditions or operations the permit applicant intends to use to provide employment and a place of employment that are safe and healthful.

(2) When scheduling a safety conference, the Division shall make a reasonable effort to accommodate the scheduling needs of the applicant, shall furnish the applicant with a recommended checklist of information and documentation to bring to the safety conference, and shall clearly inform the applicant which parties are required to attend.

(3) The safety conference shall be held at a district office or at a designated place convenient for the attending parties, and shall be open to the permit applicant, representatives of the owner, contracting agencies, and employees and their representatives. The permit applicant shall notify all attending parties of the safety conference a reasonable time prior to the holding of the safety conference. Proof of such notification shall be made at the safety conference.

(e) General Requirements Applicable to Issuance of All Permits.

(1) A permit may be issued to an applicant following the filing of a completed Permit Application form, compliance with all the requisites therein, payment of the permit fee as provided in Section 341.3 of this article, and a determination by the Division that all qualifications for receipt of a permit have been met by the applicant. Except as provided in Section 8470(1), the Division shall issue a Project Permit within five working days of the initial project permit safety conference, if the application materials presented by the applicant at the safety conference are complete. If the application materials are not complete, the applicant shall be given a written list before leaving the safety conference of the materials or information needed to complete the application. The Division shall issue the Project Permit within five working days of receiving complete application materials or deny the permit in writing pursuant to the requirements of Section 341.2. Note: Where Project Permits are required for structures subject to the requirements of Section 341(d)(4), the Division may issue conditional permits when specific information is not yet available.

(2) Each permit issued by the Division shall include the following information:

(A) The person or entity to whom the permit has been issued.

(B) The permit number.

(C) The type of permit issued.

(D) The date through which the permit will remain valid.

(E) The fee amount collected; the check or money order number; and the name of the person collecting the fee.

(F) The name of the person who investigated the permit application and held the permit conference, and the name of the person approving the issuance of the permit.

(G) The specific activities and/or projects covered by the permit.

(f) Issuance of Project Permits for All Projects Other Than Erection of Tower Cranes. The permit applicant shall be required to obtain only one Project Permit for the following work activities:

(1) The construction or demolition of a building or structure over 36 feet high, and the associated excavation of trenches and excavations at the same site.

(2) Any project of construction of a building, structure, vertical shoring, or falsework and/or erection of scaffolding at the same site.

(3) Any project or demolition of a building, structure, or dismantling of scaffolding, vertical shoring or falsework at the same site.

(4) For all or any combination of activities listed in subsection (f)(1), (2), and (3) above at the same jobsite.

(5) Two or more projects when the work is part of the same contract but is located in different Division districts, and the work to be performed is the installation or erection of essentially identical structures.

(A) Such essentially identical structures may include structures such as silos, outdoor signs, tanks or tank towers, and transmission or communication towers.

(B) Such essentially identical structures shall not include bridges, dams, elevated highways, buildings, or tower cranes.

(C) The Project Permit for work on such essentially identical structures shall be issued by the Division district office where the first project scheduled to be commenced is located.

(D) For each subsequent project covered by the Project Permit, the permit holder shall notify the Division district office that has jurisdiction over the site of the project at least 24 hours prior to the activity which is the subject of the notification. Notification shall be given by mail, personal delivery, fax transmission or electronic mail, and shall provide the location of the project and the date and time the work activity is to commence.

(g) Issuance of Project Permits for Fixed Tower Cranes.

Only one permit is required to erect, alter the height of, and dismantle a single fixed tower crane, provided all of this work is done by the same entity. If another entity engages in any of these activities, that entity shall also obtain a Project Permit. If a fixed tower crane is relocated to a new position on the same project a new Project Permit is required.

(h) Issuance of Annual Permits.

(1) An Annual Permit may be issued upon the applicant's demonstration that it has an adequate safety program that has been developed for the work activity to be covered by the permit, subject to the conditions specified below and any additional conditions specified by the Division. Except as provided in the Note below, the permit shall expire one year later at the close of business on the day prior to the anniversary date of issuance. The permit shall display the expiration date. Note: During the first year following the effective date of this article, the Division may issue Annual Permits for longer than one year in order to stagger the expiration dates.

(2) Annual Permits shall be issued subject to all of the following conditions:

(A) The work shall be performed by the entity named in the permit.

(B) The permit holder shall notify the Division district office that has jurisdiction over the site of the project at least 24 hours prior to the activity which is the subject of the notification. Notification shall be given by mail, personal delivery, fax transmission or electronic mail, and shall provide the location of the project and the date and time the work activity is to commence.

(3) Annual Permits may be renewed by mail.


<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 60.5, 6308, 6501, 6502 and 6503, Labor Code. Reference: Sections 6500, 6501, 6502, 6503, 7373 and 7382, Labor Code.

HISTORY

1. Amendment of subsections (a), (b) and (i) filed 10-25-74; effective thirtieth day thereafter (Register 74, No. 43).

2. Amendment of subsection (a) filed 11-29-74; effective thirtieth day thereafter (Register 74, No. 48).
3. Amendment of subsection (b) filed 5-6-75 as procedural and organizational; effective upon filing (Register 75, No. 19).
4. Amendment of subsections (b) and (c) filed 12-5-84; effective thirtieth day thereafter (Register 84, No. 49).
5. Amendment filed 12-5-85; effective thirtieth day thereafter (Register 85, No. 49).
6. New subsection (b)(1) filed 3-18-91; operative 3-18-91 (Register 91, No. 15).
7. Amendment of subsections (a), (b), (e) and (f) filed 7-15-91 as an emergency; operative 7-15-91 (Register 91, No. 44). A Certificate of Compliance must be transmitted to OAL 11-12-91 or emergency language will be repealed by operation of law on the following day.
8. Amendment of NOTE filed 3-18-92; operative 3-18-92 pursuant to GovernmentCode section 11346.2(d) (Register 92, No. 13).
9. Amendment of section and Note filed 7-13-95 as an emergency; operative 7-13-95 (Register 95, No. 28). A Certificate of Compliance must be transmitted to OAL by 11-10-95 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction inserting History4 designator (Register 95, No.36).
11. Amendment of section and Note filed 11-8-95 as an emergency; operative 11-8-95 (Register 95, No. 45). A Certificate of Compliance must be transmitted to OAL by 3-7-96 or emergency language will be repealed by operation of law on the following day.
12. Reinstatement of subsection (f) as it existed prior to emergency amendment of 11-8-95 by operation of Government Code section 11346.1(f) (Register 96, No. 15).
13. Amendment of subsections (f)(1) and (f)(1)(C) filed 4-9-96; operative 4-9-96 pursuant to Government Code section 11346.2(d) (Register 96, No. 15).
14. Repealer and new section filed 9-29-2006; operative 10-29-2006 (Register 2006, No. 39).

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